

## REMARKS

In the Office Action mailed June 13, 2006, claims 1, 2, 4, 5, 7, 8, 11, 17 and 20-22 were rejected under a non-statutory obviousness-type double patenting as being unpatentable over claims 1-4 and 11-15 of Lee et al. (U.S. Patent No. 6,729,227) in view of Morino et al. (U.S. Patent No. 5,117,079); the drawings were "objected to"; claims 1, 6-8, 11-15 and 17-23 were rejected under 35 U.S.C. 102(b) as being anticipated by Morino et al.; and claims 2, 3, 9, 10 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morino et al. The foregoing rejections and objections are respectfully traversed.

New FIG. 4 has been added. Claims 2, 5, 7 and 21 have been cancelled without prejudice or disclaimer. The Specification and claims 1, 3, 4, 8, 11, 14 and 20 have been amended. Some of the features of cancelled claim 2 have been incorporated into claims 1, 14 and 20. Also, claim 3 has been rewritten into independent form.

Claims 1, 3-4, 6, 8-20 and 22-23 are currently pending and under consideration. Reconsideration is respectfully requested.

### **Regarding to Double patenting rejections:**

The Applicants request that the submission of a terminal disclaimer be held in abeyance until the allowance of claims in the application.

### **Regarding the objection of the drawings:**

FIG. 4 has been added illustrated "a tray sensor comprising a sensing member provided in the baking tray that contacts the door when the door is closed," as recited in claim 3, for example. Claim 9 recites features somewhat similar to those of claim 3. Therefore, it is respectfully submitted that the objection is overcome. Reconsideration is respectfully requested.

### **Regarding the 102 rejections:**

Claim 1 has been amended to recite "A bread maker, comprising: a main body having a door opening and forming a bread making space; a door to open and close the door opening; a baking tray removably mounted in the bread making space; a tray sensor, to sense whether the baking tray is mounted in the bread making space, **the tray sensor comprising: a sensing member provided in the door that contacts the baking tray when the door is closed, and a sensing switch that generates a sensing signal when the sensing member contacts the**

**baking tray; and a controller, to control a bread making process on the basis of a sensing signal from the tray sensor". Morino et al. fails to discuss all of the features.**

In contrast, Morino et al. discusses a heating apparatus for automatically processing and heating cooking materials (see Abstract). The heating apparatus includes a heating chamber, a heating vessel, a control circuit, a door switch for detecting opening and closing of the door of the heating chamber, and a sensor for detecting the presence and absence of the heating vessel. The control circuit is arranged to stop a drive unit of the heating apparatus during actuation of the drive unit in response to a signal from the door switch indicative of opening of the door, and output a signal for automatically restarting the drive unit only at the time of subsequent output of both the signal of the door switch indicative of closing of the door and a signal of the sensor indicative of presence of the heating vessel (see column 16, lines 46-65, for example). Further, in Morino et al., the sensor includes a tube, an elastic plate and a detection switch having a contact. The tube is retractably fitted into a hole of the bottom wall of the heating chamber. The elastic plate supports a flange formed around an outpour periphery of the tube and one end of the elastic plate is attached to a boss secured to a lower face of the bottom wall. The detection switch is attached to a bracket fixed to the lower face of the bottom wall and is turned on by downward movement of the elastic plate through contact of the elastic plate with the contact (see column 17, lines 1-19). An opening is formed on a lower face of the heating vessel to received an upper end portion of the tube and when the heating vessel is loaded, the tube is depressed downwardly by the heating vessel and the elastic plate is brought into contact with the contact to turn on the detection switch.

The sensor for the heating vessel of Morino et al. is not included in the door. Further, sensing of whether or not the heating vessel is loaded in the heating chamber of Morino et al. can be performed whether the door is open or closed because the sensor is not associated with the door. Instead, as mentioned above, the sensor is located inside the heating chamber (see FIG. 38, for example) such that it is positioned underneath the heating vessel, when the heating vessel is loaded into the heating chamber. It would not be obvious to position the sensor in Morino et al. in the door of the heating apparatus. Thus, Morino et al. fails to make a prima facie case of obviousness over the present invention.

Withdrawal of the rejections and objections is respectfully requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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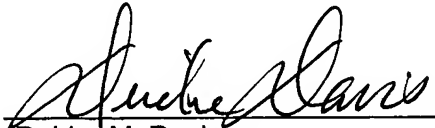
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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